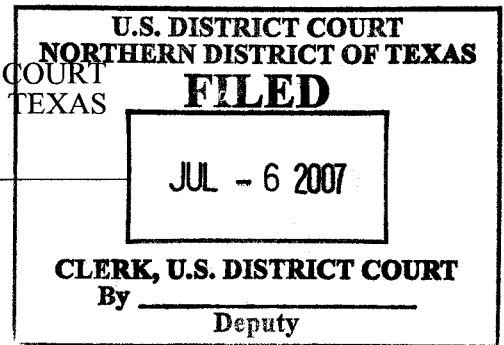


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



WILLIAM HENRY McDOWELL, PRO SE,
TDCJ-CID No. 1153586,

Plaintiff,

v.

POTTER COUNTY DETENTION CENTER
ET AL.,

Defendants.

2:03-CV-0381

ORDER ADOPTING FINDING OF FACT

The instant cause was remanded on May 2, 2007 to this Court for a determination of whether plaintiff delivered the notice of appeal in this cause to prison officials on or before January 10, 2007. On June 15, 2007, the Magistrate Judge, after considering the submissions on the issue, made the Finding of Fact that plaintiff deposited his Notice of Appeal into the internal mail system of the Estes Unit no sooner than January 15, 2007.

No objections to the Finding of Fact of the Magistrate Judge have been filed.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Finding of Fact. The Court is of the opinion that the Finding of Fact of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Finding of Fact of the United States Magistrate Judge in this case that plaintiff deposited his Notice of Appeal into the internal mail system of the Clements Unit on or before September 15, 2003.

The Clerk will transmit a copy of this Order to the United States Court of Appeals for the Fifth Circuit in order to supplement the record on appeal in this cause.

IT IS SO ORDERED.

ENTERED this 6th day of July, 2007.

MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE